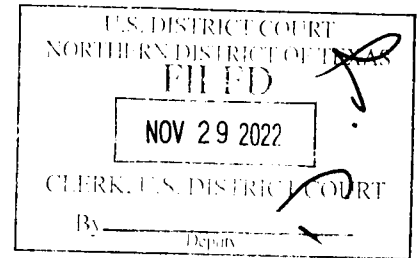


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



GILBERT EUGENE PERRY,

Petitioner,

v.

Director, TDCJ-CID, *et al.*,

Respondents.

§
§
§
§
§
§
§
§

2:22-CV-203-Z-BR

**ORDER ADOPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
AND
DENYING PETITION FOR A WRIT OF HABEAS CORPUS**

Before the Court are the Findings, Conclusions, and Recommendation (“FCR”) of the United States Magistrate Judge to deny the Petition for a Writ of Habeas Corpus filed by Petitioner. *See* ECF No. 11. No objections to the FCR have been filed. After making an independent review of the pleadings, files, and records in this case, the Court concludes the FCR of the Magistrate Judge is correct. The Court therefore **ADOPTS** the FCR and **DENIES** the Petition for a Writ of Habeas Corpus. Petitioner’s Motion for Monetary Compensation (ECF No. 12) is thus **DENIED** as moot.

Considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, and 28 U.S.C. § 2253(c), the Court denies a certificate of appealability because Petitioner has failed to make “a substantial showing of the denial of a constitutional right.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also Hernandez v. Thaler*, 630 F.3d 420, 424 (5th Cir. 2011). The Court **ADOPTS** and incorporates by reference the FCR in support of its finding that Petitioner has failed to show reasonable jurists would find: (1) this Court’s “assessment of the constitutional

claims debatable or wrong”; or (2) “it debatable whether the petition states a valid claim of the denial of a constitutional right” and “debatable whether [this Court] was correct in its procedural ruling.” *Slack*, 529 U.S. at 484.

SO ORDERED.

November 29, 2022

A handwritten signature in black ink, appearing to read 'Matthew J. Kacsmarik', written over a horizontal line.

MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE